

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE NATHANIEL DWAYNE
CAETANO,

Plaintiff.

Case No. 23-cv-01116 BLF

**ORDER VACATING ORDER OF
DISMISSAL AND JUDGMENT AND
REOPENING ACTION;
ADMINISTRATIVELY CLOSING
CASE**

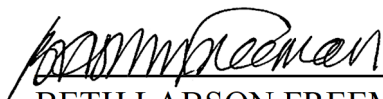
On March 15, 2023, Plaintiff, proceeding *pro se*, filed a lawsuit which was construed as an attempt to initiate a civil rights action pursuant to 42 U.S.C. § 1983. Dkt. No. 1. When Plaintiff failed to respond to the Clerk's notice regarding the filing of an *In Forma Pauperis* ("IFP") application or paying the filing fee within twenty-eight days, Dkt. No. 3, the Court dismissed the action on May 4, 2023, and entered judgment the same day. Dkt. Nos. 7, 8.

Plaintiff has filed a letter indicating that he never intended to file a complaint. Dkt. No. 9. In the interest of justice, the Court will vacate the dismissal and judgment entered on May 4, 2023, and reopen this action. Then this matter shall be administratively closed as improvidently opened.

The Clerk of the Court shall reopen and then administratively close the instant case. Because this case was opened in error, no filing fee is due.

IT IS SO ORDERED.

Dated: May 8, 2023


BETH LABSON FREEMAN
United States District Judge